



INSURORS of Tennessee

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August 18, 2000

David Waddell
 Tennessee Regulatory Authority
 460 James Robertson Parkway
 Nashville, TN 37243

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 EXECUTIVE SECRETARY OFF.
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TN REGULATORY AUTHORITY

RE: Chapter 1220-4-11 Telephone Solicitation Regulations

Dear David:

This is in response to the proposed telephone solicitation regulation which are the subject of today's rulemaking hearing. As the Executive Director for a trade association comprised largely of small businesses, I am hopeful that some accommodation may be made for hard-working business owners whose telephone sales activity is extremely limited, as is the case for our members.

The Insurors of Tennessee supports the Do Not Call Register, which was intended to address those businesses whose primary activity is telemarketing. However, we do not feel that the bill should encompass businesses whose telephone sales activity is strictly negligible. Our members do not wish to contact individuals at home who prefer not to be contacted. Furthermore, this association would like to assist our members in complying with that act; unfortunately, the proposed rules do not allow us to do so.

Our members should not be required to register as telemarketers because that is not what they are. Our members are insurance agents, not telemarketers. It is unquestionable that there is a stigma associated with telemarketing firms, and small business owners should not be required to assume the negative connotation associated with that label in order to conduct their business lawfully. Furthermore, the cost of licensing as a telemarketer far exceeds the cost of an insurance agent license. It seems untenable to require a small business person to pay a licensing fee of \$25.00 per year to be an insurance agent, but to charge \$500.00 per year to become licensed for an activity that comprises only a minute portion of their business.

Proposed Rule 1220-4-11.04(5) makes allowances for principal solicitors who utilize independent contractors by allowing the principal contractor to pay a group rate fee of \$1,000.00 along with a \$50.0 fee for each independent contractor for electronic access to the Register. We would be amendable to paying a group fee for access to the register along with a reduced fee for our members. This is not permissible under the proposed rules; as a non-profit trade association, we clearly do not fit within the definition of a principal solicitor, nor do our members fit within the definition of independent contractors. We are hopeful that those definitions might be amended to allow us the same opportunity to share the list as is being afforded other groups.

Alternatively, we would suggest that there be some accommodation made for businesses that do not need access to the entire list. Most, if not all, of our members who are engaging in telephone activity are doing so on a local basis and would need the list for only a 1 to 2 county area.

Thank you for your attention to our concerns. Please do not hesitate to contact me if you desire any further information.

Sincerely,

Charles T. Bidek, CPCU
 Executive Director

POSTED
 8/23/00

Independent Insurance Agents of Tennessee Inc.